

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

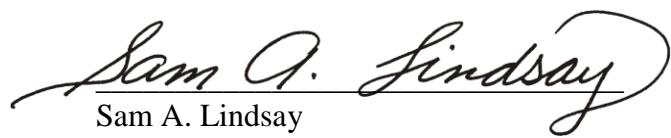
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| UNITED STATES OF AMERICA, | § |
| | § |
| Plaintiff, | § |
| | § |
| v. | § Criminal Action No. 3:12-CR-314-L-2 |
| | § |
| JOSE BETANCOURT-VEGA, | § |
| | § |
| Defendant. | § |

ORDER

Upon remand from the Fifth Circuit Court of Appeals, Magistrate Judge Irma Castillo Ramirez entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on June 20, 2016, recommending that the court find that Defendant’s notice of appeal of the order denying his motion for a sentence reduction was untimely, that he has not shown that the untimeliness was due to excusable neglect or good cause, and that he is not entitled to an extension of time to file a notice of appeal. No objections to the Report were filed.

After reviewing the pleadings, file, record, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **finds** that Defendant’s notice of appeal was untimely, that he has not shown that the untimeliness was due to excusable neglect or good cause, and that he is not entitled to an extension of time to file a notice of appeal. The court **directs** the clerk of the court to transmit a copy of this order accepting the Findings, Conclusions and Recommendation of the United Magistrate Judge, to the United States Court of Appeals for the Fifth Circuit.

It is so ordered this 3rd day of August, 2016.



Sam A. Lindsay
United States District Judge